



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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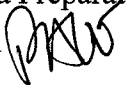
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June 26, 2013

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TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: PATRICK A. WU 
Senior Assistant County Counsel

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Adrian McKoy v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 462 452

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

PAW:rfm

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Adrian McKoy v. County of Los Angeles, et al., Los Angeles Superior Court Case No. BC 462 452, in the amount of \$200,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This lawsuit concerns allegations of assault and battery, negligence, and civil rights violations by Sheriff Deputies.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Adrian McKoy v. County of Los Angeles
CASE NUMBER	LASC Case No. BC462452
COURT	Los Angeles Superior Court
DATE FILED	Complaint filed: January 3, 2011 Claim filed: October 2, 2010
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 200,000
ATTORNEY FOR PLAINTIFF	Law Offices of Joe C. Hopkins
COUNTY COUNSEL ATTORNEY	Jonathan McCaverty
NATURE OF CASE	Adrian McKoy alleges that he was subjected to excessive force by Sheriff's Deputies on September 2, 2010. The involved Sheriff's Deputies contend that they used reasonable force in arresting Mr. McKoy. However, due to the risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs. Settlement of this matter in the amount of \$200,000 is recommended.
PAID ATTORNEY FEES, TO DATE	\$ 67,710
PAID COSTS, TO DATE	\$ 9,309

Case Name: Adrian McKoy v. County of Los Angeles, et al.



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	Thursday, September 2, 2010; approximately 1:40 p.m.
Briefly provide a description of the incident/event:	<p><u>Adrian McKoy v. County of Los Angeles, et al.</u> Summary Corrective Action Plan No. 2013-007</p> <p>On Thursday, September 2, 2010, at approximately 1:40 p.m., two Los Angeles County deputy sheriffs assigned to the Los Angeles County Sheriff's Department's Altadena Station arrested the plaintiff for a violation of California Penal Code section 89, Obstructing or Resisting Executive Officer in Performance of Their Duties, and a violation of California Health and Safety Code section 11350(a), Possession of a Designated Controlled Substance.</p> <p>During the course of the arrest, the two deputy sheriffs became involved in a violent confrontation with the plaintiff and physical force was necessary to overcome the resistance offered by the plaintiff.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

In his lawsuit, the plaintiff alleged he was subjected to assault, battery, negligence, and state civil rights violations by members of the Los Angeles County Sheriff's Department.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The Los Angeles County Sheriff's Department had relevant policies and procedures/protocols in effect at the time of the incident.

The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in the incident.

This incident was thoroughly reviewed by the Los Angeles County Sheriff's Department Executive Force Review Committee. The members of the committee concluded the force used by the two deputy sheriffs was reasonable, necessary, and in compliance with Department policy.

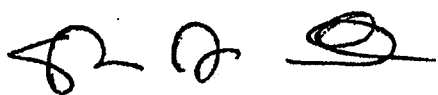
No systemic issues were identified and no employee misconduct is suspected. Consequently, no personnel-related administrative action was taken and no other corrective action measures are recommended nor contemplated.

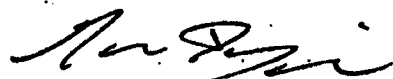
County of Los Angeles
Summary Corrective Action Plan

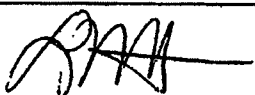
3. Are the corrective actions addressing department-wide system issues?

- ☐ Yes – The corrective actions address department-wide system issues.
☒ No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator) Shaun J. Mathers, Captain Risk Management Bureau	
Signature: 	Date: 5/15/13

Name: (Department Head) Glen Dragovich, Division Director Administrative and Training Division	
Signature: 	Date: 5/20/13

Chief Executive Office Risk Management Inspector General USE ONLY	
Are the corrective actions applicable to other departments within the County?	
<input type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability. <input checked="" type="checkbox"/> No, the corrective actions are applicable only to this department.	
Name: (Risk Management Inspector General) LEO COSTANTINO	
Signature: 	Date: 5/30/13